

FIFTY-FIFTH DAY - APRIL 6, 2004**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 6, 2004

PRAYER

The prayer was offered by Senator Jones.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heineman presiding.

The roll was called and all members were present except Senators Beutler, Friend, Mines, Mossey, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 869, 1047, 155, 315, 727, 819, 824, 832, 837, 845, 846, 884, 890, 902, 914, 914A, 939, 944, 955, 980, and 997.

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 1451:

Nebraska Oil and Gas Conservation Commission
James R. Gohl

Voting in the affirmative, 33:

Aguilar	Cudaback	Johnson	Pedersen, Dw.	Schrock
Baker	Cunningham	Jones	Pederson, D.	Stuhr
Brown	Engel	Kruse	Preister	Stuthman
Burling	Erdman	Landis	Price	Synowiecki
Byars	Foley	Louden	Quandahl	Vrtiska
Combs	Hudkins	Maxwell	Redfield	
Connealy	Jensen	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 11:

Bourne	Chambers	Kremer	Thompson
Brashear	Hartnett	Raikes	Wehrbein
Bromm	Janssen	Smith	

Excused and not voting, 5:

Beutler	Friend	Mines	Mossey	Tyson
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The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 1451:

Nebraska Environmental Trust Board
Robert Krohn

Voting in the affirmative, 31:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuthman
Baker	Cunningham	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Quandahl	Vrtiska
Brown	Hartnett	Landis	Schimek	
Burling	Hudkins	Louden	Schrock	
Byars	Janssen	Maxwell	Smith	
Combs	Jensen	McDonald	Stuhr	

Voting in the negative, 0.

Present and not voting, 13:

Brashear	Cudaback	Jones	Raikes	Wehrbein
Bromm	Engel	Pederson, D.	Redfield	
Chambers	Foley	Price	Thompson	

Excused and not voting, 5:

Beutler

Friend

Mines

Mossey

Tyson

The appointment was confirmed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1065. Senator Chambers renewed his pending motion, found on page 1475, to indefinitely postpone.

Senator Chambers withdrew his motion.

Senator Wehrbein asked unanimous consent to withdraw his pending motion, found on page 1477, to reconsider the vote taken on AM3554. No objections. So ordered.

Senator Wehrbein offered the following amendment:

AM3579

- 1 1. Strike original section 14 and insert the following
- 2 new section:
- 3 "Sec. 16. Section 66-1519, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1519. (1) There is hereby created the Petroleum
- 6 Release Remedial Action Cash Fund to be administered by the
- 7 department. Revenue from the following sources shall be remitted
- 8 to the State Treasurer for credit to the fund:
- 9 (a) The fees imposed by sections 66-1520 and 66-1521;
- 10 (b) Money paid under an agreement, stipulation,
- 11 cost-recovery award under section 66-1529.02, or settlement; and
- 12 (c) Money received by the department in the form of
- 13 gifts, grants, reimbursements, property liquidations, or
- 14 appropriations from any source intended to be used for the purposes
- 15 of the fund.
- 16 (2) Money in the fund may be spent for: (a)
- 17 Reimbursement for the costs of remedial action by a responsible
- 18 person or his or her designated representative and costs of
- 19 remedial action undertaken by the department in response to a
- 20 release first reported after July 17, 1983, and on or before June
- 21 30, 2005, including reimbursement for damages caused by the
- 22 department or a person acting at the department's direction while
- 23 investigating or inspecting or during remedial action on property
- 24 other than property on which a release or suspected release has
- 1 occurred; (b) payment of any amount due from a third-party claim;
- 2 (c) fee collection expenses incurred by the State Fire Marshal; (d)
- 3 direct expenses incurred by the department in carrying out the
- 4 Petroleum Release Remedial Action Act; (e) other costs related to
- 5 fixtures and tangible personal property as provided in section
- 6 66-1529.01; (f) interest payments as allowed by section 66-1524;
- 7 (g) expenses incurred by the technical advisory committee created

8 in section 81-15,189 in carrying out its duties pursuant to section
9 81-15,190; (h) claims approved by the State Claims Board authorized
10 under section 66-1531; (i) a grant to a city of the metropolitan
11 class in the amount of three hundred thousand dollars, provided
12 within five days after October 1, 2003, to carry out the federal
13 Residential Lead-Based Paint Hazard Reduction Act of 1992, 42
14 U.S.C. 4851 et seq., as such act existed on October 1, 2003; and
15 (j) methyl tertiary butyl ether testing, to be conducted randomly
16 at terminals within the state for up to two years ending June 30,
17 2003. The amount expended on the testing shall not exceed forty
18 thousand dollars. The testing shall be conducted by the Department
19 of Agriculture. The department may enter into contractual
20 arrangements for such purpose. The results of the tests shall be
21 made available to the Department of Environmental Quality.
22 (3) Transfers may be made from the Petroleum Release
23 Remedial Action Cash Fund to the General Fund at the direction of
24 the Legislature. Transfers may be made from the Petroleum Release
25 Remedial Action Cash Fund to the Water Policy Task Force Cash Fund
26 at the direction of the Legislature. The State Treasurer shall
27 transfer one million five hundred thousand dollars from the
1 Petroleum Release Remedial Action Cash Fund to the Ethanol
2 Production Incentive Cash Fund on July 1 of each of the following
3 years: 2004 through 2011.
4 (4) Any money in the Petroleum Release Remedial Action
5 Cash Fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act
7 and the Nebraska State Funds Investment Act.".
8 2. On page 11, line 22, strike "66-1521" and insert
9 "66-1519".
10 3. On page 19, line 5, strike "66-1521" and insert
11 "66-1519".
12 4. Renumber the remaining sections and correct internal
13 references accordingly.

SENATOR CUDABACK PRESIDING

Senator Engel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Wehrbein moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Wehrbein amendment was adopted with 27 ayes, 12 nays, and 10 present and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:

FA1671

Strike Section 1.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Beutler withdrew his amendment.

Advanced to E & R for review with 40 ayes, 0 nays, and 9 present and not voting.

SELECT FILE

LEGISLATIVE BILL 983. E & R amendment, AM7223, found on page 1280, was adopted.

Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Senators Baker and Wehrbein filed the following amendment to LB 479:
AM3506

(Amendments to Final Reading copy)

- 1 1. On page 14, strike lines 18 through 24.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 2004, at 9:15 a.m. were the following:
LBs 869, 1047, 155, 315, 727, 819, 824, 832, 837, 845, 846e, 884, 890, 902, 914, 914A, 939, 944e, 955, 980, and 997.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE RESOLUTION 209CA. Senator Bourne renewed the Bourne-Landis pending amendment, AM3396, found on page 1247.

SPEAKER BROMM PRESIDING

Senator Chambers asked unanimous consent to withdraw his pending amendment, FA1606, found on page 1247, and replace it with his substitute amendment, FA1670, to the Bourne-Landis pending amendment.

FA1670

Amend AM3396

In line 5 strike the period and insert "except that no portion of such matching funds shall be provided directly or indirectly by the state or by funds obtained from the state."

Senator Landis objected.

Senator Chambers renewed his pending amendment, FA1606, found on page 1247, to the Bourne-Landis pending amendment.

Senator Landis offered the following motion:

Invoke cloture on LR 209CA, pursuant to Rule 7, Section 10.

Senator Landis moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Landis requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 37:

Baker	Connealy	Hudkins	Maxwell	Schrock
Beutler	Cudaback	Janssen	McDonald	Stuhr
Bourne	Cunningham	Jensen	Mines	Stuthman
Brashear	Engel	Johnson	Mossey	Vrtiska
Bromm	Erdman	Jones	Pedersen, Dw.	Wehrbein
Burling	Foley	Kremer	Price	
Byars	Friend	Kruse	Quandahl	
Combs	Hartnett	Landis	Schimek	

Voting in the negative, 4:

Chambers	Raikes	Thompson	Tyson
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Present and not voting, 7:

Aguilar	Pederson, D.	Redfield	Synowiecki
Louden	Preister	Smith	

Excused and not voting, 1:

Brown

The Landis motion to invoke cloture prevailed with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment, FA1606.

Voting in the affirmative, 41:

Aguilar	Connealy	Janssen	Mines	Stuhr
Baker	Cudaback	Jensen	Mossey	Synowiecki
Beutler	Cunningham	Johnson	Pedersen, Dw.	Tyson
Bourne	Engel	Jones	Price	Vrtiska
Brashear	Erdman	Kremer	Quandahl	Wehrbein
Bromm	Foley	Kruse	Redfield	
Burling	Friend	Landis	Schimek	
Byars	Hartnett	Louden	Schrock	
Combs	Hudkins	Maxwell	Smith	

Voting in the negative, 2:

Pederson, D. Thompson

Present and not voting, 5:

Chambers	McDonald	Preister	Raikes	Stuthman
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Excused and not voting, 1:

Brown

The Chambers amendment was adopted with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the Bourne-Landis amendment, as amended.

Senator Byars requested the roll call vote be taken in reverse order.

Voting in the affirmative, 45:

Aguilar	Connealy	Janssen	McDonald	Schimek
Baker	Cudaback	Jensen	Mines	Schrock
Beutler	Cunningham	Johnson	Mossey	Smith
Bourne	Engel	Jones	Pedersen, Dw.	Stuhr
Brashear	Erdman	Kremer	Pederson, D.	Stuthman
Bromm	Foley	Kruse	Preister	Synowiecki
Burling	Friend	Landis	Price	Thompson
Byars	Hartnett	Louden	Quandahl	Vrtiska
Combs	Hudkins	Maxwell	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Raikes	Tyson
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Excused and not voting, 1:

Brown

The Bourne-Landis amendment, as amended, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 31:

Baker	Connealy	Johnson	Mines	Stuthman
Beutler	Cudaback	Jones	Mossey	Vrtiska
Bourne	Cunningham	Kremer	Pedersen, Dw.	Wehrbein
Brashear	Friend	Kruse	Price	
Bromm	Hartnett	Landis	Schimek	
Byars	Hudkins	Maxwell	Schrock	
Combs	Janssen	McDonald	Stuhr	

Voting in the negative, 15:

Aguilar	Engel	Louden	Raikes	Synowiecki
Burling	Erdman	Pederson, D.	Redfield	Thompson
Chambers	Jensen	Quandahl	Smith	Tyson

Present and not voting, 2:

Foley	Preister
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Excused and not voting, 1:

Brown

Advanced to E & R for engrossment with 31 ayes, 15 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 599. E & R amendment, AM7188, found on page 1041, was adopted.

Senator Beutler renewed his pending amendment, AM3091, found on page 1135.

The Beutler amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Tyson renewed his pending amendment, AM3244, found on page 1156.

The Tyson amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 599A. Advanced to E & R for engrossment.

VISITORS

Visitors to the Chamber were Mike and Barb Kelly from Omaha; 16 first-through eighth-grade students and teacher from School District 24, Norfolk; 70 eighth-grade students and teachers from Mary of Our Queen School, Omaha; Elizabeth Ostwinkle from Grand Island; 60 fourth-grade students and teachers from Hickory Hills School, Papillion; and student nurses from Creighton University.

RECESS

At 11:58 a.m., on a motion by Senator Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Combs and Mossey who were excused until they arrive.

MOTION - Print in Journal

Senator Landis filed the following motion to LR 209CA:
Suspend Rule 6, Sections 6, 7, and 8 and Rule 7, Sections 3 and 7, and vote on the final passage of LR 209CA without further amendments or motions.

REPORT OF THE EXECUTIVE BOARD

2004 Resolutions calling for an Interim Study

- LR 233 Interim study to examine the utilization of buildings owned by the State of Nebraska
Appropriations
- LR 241 Interim study to examine the failure of the National Warranty Insurance Company
Banking, Commerce and Insurance

- LR 255 Interim study to examine creation of a medical COLA type retirement benefit for retired members of the School Retirement System
Nebraska Retirement Systems
- LR 256 Interim study to examine creation of Internal Revenue Code Section 401(A) type annuities by school boards or boards of education
Nebraska Retirement Systems
- LR 262 Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee
Transportation and Telecommunications
- LR 263 Interim study of the feasibility of a system for issuing certificates of title for continuation motor vehicles
Transportation and Telecommunications
- LR 264 Interim study to examine issues surrounding the regulation of wireless telecommunications companies by the Public Service Commission
Transportation and Telecommunications
- LR 265 Interim study relating to maximum load limits, permissible loads by permit, and distribution of fees
Transportation and Telecommunications
- LR 266 Interim study to examine issues surrounding motor vehicle registration
Transportation and Telecommunications
- LR 267 Interim study to examine requirements relating to insurance for motor vehicle repairs
Banking, Commerce and Insurance
- LR 268 Interim study to determine whether Nebraska should enact the Uniform Securities Act
Banking, Commerce and Insurance
- LR 269 Interim study of issues regarding availability and affordability of liability insurance coverage for persons engaged in equine activities
Banking, Commerce and Insurance
- LR 270 Interim study of issues regarding affordability of workers' compensation coverage for smaller agriculturally related businesses
Banking, Commerce and Insurance

- LR 274 Interim study to examine implications of USDA v. United Foods and federal court decisions for state commodity promotion programs
Agriculture
- LR 275 Interim study to examine the feasibility of federal assumption of the functions served by third-party tractor performance testing conducted by the University of Nebraska
Agriculture
- LR 278 Interim study to develop solutions to keep downstream improvements from being located in potentially hazardous locations downstream of existing dams
Natural Resources
- LR 280 Interim study to examine actions desirable at the state level to increase capabilities of the Bureau of Animal Industry to prevent introduction and proliferation of diseases in livestock
Agriculture
- LR 281 Interim study to determine whether Nebraska should enact the Market Conduct Surveillance Model Law
Banking, Commerce and Insurance
- LR 283 Interim study to determine whether Nebraska should enact statutes regarding prompt payment of claims for health care services submitted to health insurers
Banking, Commerce and Insurance
- LR 284 Interim study to examine matters within the jurisdiction of the Government, Military and Veterans Affairs Committee
Government, Military and Veterans Affairs
- LR 285 Interim study to continue examination and improvement of the state's contracting procedures
Government, Military and Veterans Affairs
- LR 286 Interim study of issues pertaining to the operations of Class I schools
Education
- LR 287 Interim study of the advantages and disadvantages of licensing and regulating security companies and personnel
Government, Military and Veterans Affairs
- LR 288 Interim study of environmental justice
Natural Resources

- LR 289 Interim study of the Environmental Quality Council
Natural Resources
- LR 290 Interim study to examine the legislative confirmation process of gubernatorial appointees
Government, Military and Veterans Affairs
- LR 291 Interim study to review the implementation of legislation regarding contracts for services
Government, Military and Veterans Affairs
- LR 292 Interim study to examine renewable energy and energy efficiency
Natural Resources
- LR 293 Interim study of opportunities for diversifying uses of agricultural land in Nebraska and the development of wind energy
Natural Resources
- LR 294 Interim study of territorial insurance rating and the use of credit reports in setting insurance rates
Banking, Commerce and Insurance
- LR 295 Interim study to continue examining the Dept. of Environmental Quality financial assurance requirements, policies, and standards regarding environmental clean-up
Natural Resources/Appropriations
- LR 296 Interim study of electronic waste
Natural Resources
- LR 297 Interim study to reevaluate the annual law enforcement state firearms qualifications shoot
Judiciary
- LR 298 Interim study to examine the creation of an electronic lien titling system for motor vehicles and motor boats
Transportation and Telecommunications
- LR 299 Interim study to analyze public transportation throughout the state of Nebraska
Transportation and Telecommunications
- LR 302 Interim study to examine private and public resources, authorities, and programs for the management of invasive plants
Agriculture
- LR 303 Interim study to examine improvements to the Beginning Farmer Tax Credit Act and the beginning farmer program
Agriculture

- LR 304 Interim study relating to child welfare contractual services
Appropriations
- LR 305 Interim study to examine the feasibility of differentiated property
tax valuations for surface irrigated and ground water irrigated
cropland
Revenue
- LR 306 Interim study to examine the need for and feasibility of improved
parking for state employees
Government, Military and Veterans Affairs
- LR 307 Interim study to examine the practices and procedures regarding
the use of tax sale certificates to collect delinquent taxes
Revenue
- LR 308 Interim study to continue work done by the Revenue Committee
relating to comparison of Nebraska's tax structure with other states
Revenue
- LR 309 Interim study to investigate expanding the authority of the Public
Service Commission to include regulation of wireless carriers in
certain areas
Transportation and Telecommunications
- LR 310 Interim study to assess the feasibility of creating a statewide
plumbing license
Urban Affairs
- LR 311 Interim study to assess the feasibility of tracking sales tax revenue
by specific categories
Revenue
- LR 312 Interim study to compare fuel sales along Interstate 80 in Nebraska
to fuel sales along Interstate 80 in Wyoming and Iowa
Revenue
- LR 313 Interim study to examine issues relating to the homestead
exemption program
Revenue
- LR 314 Interim study to review the ability of counties having a population
of less than one thousand inhabitants to provide services required
under state law
Government, Military and Veterans Affairs
- LR 315 Interim study to provide information on patterns of spending by
government agencies

Appropriations

- LR 316 Interim study to consider steps that can be taken to meet the state's obligation to provide free instruction for all persons, with respect to cocurricular and extracurricular activities
Education
- LR 317 Interim study to identify and categorize statutory powers and duties of the Health and Human Services System and prioritize the programs
Health and Human Services
- LR 318 Interim study of the overall structure of the medicaid program
Health and Human Services
- LR 319 Interim study to conduct a comprehensive review of the committee structure of the standing committees of the Legislature
Executive Board
- LR 320 Interim study to conduct a review of the priority designation system of the Legislature
Executive Board
- LR 321 Interim study to examine both the items defined as compensation and the limits placed upon compensation increases for the calculation of retirement benefits for school employees
Nebraska Retirement Systems
- LR 322 Interim study to examine allocation of administrative costs assessed by the Public Employees Retirement Board upon members of the state and county retirement plans
Nebraska Retirement Systems
- LR 323 Interim study to examine the five employee retirement systems administered by the Public Employees Retirement Board
Nebraska Retirement Systems
- LR 324 Interim study to examine Nebraska's policy options to protect its citizens from employers who bounce payroll checks
Business and Labor
- LR 325 Interim study to examine taxing the gain on the sale of a partnership interest by a nonresident when the sale includes tangible property located in Nebraska
Revenue
- LR 326 Interim study to examine issues relating to eliminating vending machines with nonnutritional foods and beverages from primary and secondary schools

Education

- LR 327 Interim study to examine Nebraska's contractor labor sales tax
Revenue
- LR 330 Interim study of the Administrative Procedure Act relating to
adoption, amendment, or repeal of a rule or regulation by the
affected agency or the Legislature
Government, Military and Veterans Affairs
- LR 331 Interim study of issues surrounding the high cost of prescription
drugs and the availability of prescription products
Health and Human Services
- LR 332 Interim study to examine ways in which to improve the Campaign
Finance Limitation Act
Government, Military and Veterans Affairs
- LR 333 Interim study to examine long-term effects of introducing the recall
process as an alternative to term limits for state senators
Executive Board
- LR 334 Interim study to review the open meetings and open records
statutes
Government, Military and Veterans Affairs
- LR 335 Interim study to examine the recycling of hazardous waste into
fertilizers
Natural Resources
- LR 336 Interim study to examine implementation of permits for confined
animal feeding operations under the National Pollutant Discharge
Elimination System of the federal Clean Water Act
Natural Resources
- LR 337 Interim study to examine requiring the Environmental Quality
Council to set regulatory standards for air, land, and water, based
on their impact on children
Natural Resources
- LR 338 Interim study to explore options for implementing charter schools
Education
- LR 339 Interim study to determine whether just compensation for private
operators is appropriate when municipalities expand or take over
waste management functions
Judiciary

- LR 340 Interim study to conduct a comprehensive review of adoption procedures
Judiciary
- LR 341 Interim study to examine current operating practices and environmental infrastructure needs of the Legislative Council
Executive Board
- LR 342 Interim study to continue the in-depth study of issues relating to the Uniform Trust Code
Banking, Commerce and Insurance
- LR 343 Interim study of issues regarding legislation to amend the Property and Casualty Insurance Rate and Form Act
Banking, Commerce and Insurance
- LR 344 Interim study to conduct a comprehensive review of the allowance of recovery of attorney's fees and costs in civil actions
Judiciary
- LR 345 Interim study to conduct a review of the statutes governing clerk magistrates
Judiciary
- LR 346 Interim study of issues surrounding the provision of health care to individuals incarcerated in Nebraska's correctional institutions and county jails
Judiciary
- LR 347 Interim study to examine issues surrounding the proposed merger of the offices of probation and parole administration into a single executive branch agency
Judiciary
- LR 348 Interim study to compare Nebraska's sexual assault statutes and the sentencing structure for such crimes with laws of surrounding states
Judiciary
- LR 349 Interim study to identify factors that limit dairy production and processing
Agriculture
- LR 350 Interim study to determine whether the Equipment Business Regulation Act should be amended to give farm equipment dealers the same protections
Banking, Commerce and Insurance

- LR 351 Interim study to determine the amount of public scholarship money necessary to meet the financial need of all eligible students
Education
- LR 352 Interim study to examine whether the gas tax distribution formula should be amended
Transportation and Telecommunications
- LR 353 Interim study to examine providing higher education classes via the Internet and other distance technology
Education
- LR 354 Interim study to review the purpose, structure, and changes for the improved functioning of educational service units
Education
- LR 355 Interim study of the appropriate involvement between county zoning and the Dept. of Environmental Quality process of approving applications for livestock waste control facilities
Government, Military and Veterans Affairs
- LR 356 Interim study of the Nebraska Mental Health Commitment Act and its implementation
Health and Human Services
- LR 357 Interim study to examine the relationship between thimerosal and autism
Health and Human Services
- LR 358 Interim study to examine the issue of visitation rights for siblings of a minor child
Judiciary
- LR 359 Interim study to examine feasibility of a second round of deferred maintenance projects for the University of Nebraska and state colleges
Education
- LR 360 Interim study to determine what steps are needed to further improve the response to child abuse and neglect
Judiciary/Health and Human Services
- LR 361 Interim study of Nebraska's unemployment benefits system
Business and Labor
- LR 362 Interim study of workers' compensation laws
Business and Labor

- LR 363 Interim study to analyze financial effectiveness and legal requirements associated with educational lands and funds, the temporary school fund, and the permanent school fund
Education
- LR 364 Interim study to examine creation of an Educational Facilities Review Commission for public educational facilities
Education
- LR 365 Interim study to review matters within the jurisdiction of the Education Committee
Education
- LR 366 Interim study to collect information with regard to financing and use of the enrollment option program
Education
- LR 367 Interim study to examine methods for determining amounts to be paid by the Dept. of Health as education costs for wards of the state
Education
- LR 368 Interim study to review issues regarding indigent defense
Judiciary
- LR 369 Interim study to continue to improve the Emergency Medical System
Health and Human Services
- LR 370 Interim study to examine provisions of the Liquor Control Act in relation to flavored malt beverages
General Affairs
- LR 371 Interim study to examine effects of transferring the general assistance medical costs of Nebraska's counties to the State of Nebraska
Health and Human Services
- LR 372 Interim study of issues relating to growth of cities and villages, particularly development and operation of sanitary and improvement districts
Urban Affairs
- LR 373 Interim study to review matters within the jurisdiction of the Urban Affairs Committee
Urban Affairs

- LR 374 Interim study of issues raised by LB 1043, to determine the extent to which villages rely upon county sheriffs for law enforcement services
Urban Affairs
- LR 375 Interim study of issues raised by LB 1233, regarding the Community Development Law and tax increment financing
Urban Affairs
- LR 376 Interim study to review the first year of natural gas regulation under the terms of the State Natural Gas Regulation Act
Urban Affairs
- LR 377 Interim study to review existing legislation allowing the formation of business improvement districts
Urban Affairs
- LR 378 Interim study to examine use of a mandatory calculation of child support for children made wards of the state
Judiciary
- LR 379 Interim study to examine use of a resource test on families in determining the medicaid eligibility of children and pregnant women
Health and Human Services
- LR 380 Interim study of state law regarding the Employment First Program
Health and Human Services
- LR 381 Interim study of use of a statutory lien for third-party liability cases when medicaid is involved
Health and Human Services
- LR 382 Interim study to examine the confirmation process for gubernatorial appointments
Government, Military and Veterans Affairs
- LR 383 Interim study relating to LB 1234, the Regulatory Flexibility Act, to review the difference in costs to small businesses
Government, Military and Veterans Affairs
- LR 384 Interim study to analyze the fiscal and economic impact of agricultural personal property taxation
Revenue
- LR 385 Interim study to examine the concept of developing special hunting permits for big game
Natural Resources

- LR 386 Interim study to examine livestock operation transfers
Natural Resources
- LR 387 Interim study to examine issues within the jurisdiction of the
Health and Human Services Committee
Health and Human Services
- LR 388 Interim study to examine protections afforded to cold water Class
A streams under the Livestock Waste Management Act
Natural Resources
- LR 389 Interim study to convene an Economic Future Summit to examine
spending patterns, recommend priorities, and recommend changes
to our revenue system
Executive Board
- LR 390 Interim study to review issues relating to LB 1176, and the
successful operation of a statewide public safety interoperable data
and voice communication system
Transportation and Telecommunications
- LR 391 Interim study to provide an analysis and comparison of other state
and political subdivision law enforcement retirement plans and
benefits
Nebraska Retirement Systems

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

SELECT FILE

LEGISLATIVE BILL 1083. E & R amendment, AM7214, printed separately and referred to on page 1279, was adopted.

Senator Byars renewed the Byars-Jensen pending amendment, AM3443, printed separately and referred to on page 1354.

The Byars-Jensen amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Senator Dw. Pedersen renewed his pending amendment, AM3381, found on page 1364.

Senator Dw. Pedersen withdrew his amendment.

Senator Jensen withdrew his pending amendment, AM3516, found on page 1440.

Senator Jensen renewed his pending amendment, AM3560, printed

separately and referred to on page 1477.

The Jensen amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1083A. E & R amendment, AM7224, found on page 1279, was adopted.

Senator Wehrbein renewed his pending amendment, AM3377, found on page 1271.

The Wehrbein amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Senator Baker withdrew his pending amendment, AM3483, found on page 1415.

Senator Byars offered the following amendment:
AM3591

- 1 1. Insert the following new section:
- 2 "Sec. 5. There is hereby appropriated (1) \$97,300 from
- 3 the Professional and Occupational Credentialing Cash Fund for
- 4 FY2004-05 and (2) \$87,916 from the Professional and Occupational
- 5 Credentialing Cash Fund for FY2005-06 to the Department of Health
- 6 and Human Services Regulation and Licensure, for Program 177, to
- 7 aid in carrying out the provisions of Legislative Bill 1083,
- 8 Ninety-eighth Legislature, Second Session, 2004.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$61,413 for FY2004-05 or \$62,641 for FY2005-06."
- 12 2. Renumber the remaining sections accordingly.

The Byars amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LB 602:
AM3585

(Amendments to Standing Committee amendments, AM0971)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. (1) The following practices and techniques
- 4 are prohibited:
- 5 (a) Transfer, for any purpose, of a human embryo into the

- 6 body of a nonhuman species;
 7 (b) Production of a hybrid human-animal embryo by
 8 fertilization of a human egg by animal sperm or of an animal egg by
 9 human sperm;
 10 (c) Transfer of a human embryo, produced ex vivo, to a
 11 woman's uterus for any purpose other than to attempt to produce a
 12 live-born child;
 13 (d) Attempts to conceive a child by any means other than
 14 the union of egg and sperm;
 15 (e) Attempts to conceive a child by using gametes
 16 obtained from a human fetus or derived from human embryonic stem
 17 cells;
 18 (f) Attempts to conceive a child by fusing blastomeres
 19 from two or more embryos;
 20 (g) Use of human embryos in research beyond fourteen days
 21 after fertilization; and
 22 (h) Buying and selling of human embryos.
 23 (2) Any person who violates this section shall be subject
 1 to a civil penalty of one hundred thousand dollars for each
 2 intentional violation. The Attorney General, acting in the name of
 3 the state, may seek recovery of such penalties in a civil action.
 4 Any civil penalty recovered under this section shall be remitted to
 5 the State Treasurer for credit to the permanent school fund."

Senators Janssen and Schimek filed the following amendment to LR 11CA:
 AM3572

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. At the general election in November 2004 the
 4 following proposed amendment to the Constitution of Nebraska shall
 5 be submitted to the electors of the State of Nebraska for approval
 6 or rejection:
 7 To amend Article III, section 24:
 8 III-24 "(1) Except as provided in this section, the
 9 Legislature shall not authorize any game of chance or any lottery
 10 or gift enterprise when the consideration for a chance to
 11 participate involves the payment of money for the purchase of
 12 property, services, or a chance or admission ticket or requires an
 13 expenditure of substantial effort or time.
 14 (2) The Legislature may authorize and regulate a state
 15 lottery pursuant to subsection (3) of this section and other
 16 lotteries, raffles, and gift enterprises which are intended solely
 17 as business promotions or the proceeds of which are to be used
 18 solely for charitable or community betterment purposes without
 19 profit to the promoter of such lotteries, raffles, or gift
 20 enterprises.
 21 (3) The Legislature may establish a lottery to be
 22 operated and regulated by the State of Nebraska. The proceeds of

23 the lottery shall be appropriated by the Legislature for the costs
1 of establishing and maintaining the lottery and for other purposes
2 as directed by the Legislature. No lottery game shall be conducted
3 as part of the lottery unless the type of game has been approved by
4 a majority of the members of the Legislature.

5 (4) Nothing in this section shall be construed to
6 prohibit (a) the enactment of laws providing for the licensing and
7 regulation of wagering on the results of horseraces, wherever run,
8 either within or outside of the state, by the parimutuel method,
9 when such wagering is conducted by licensees within a licensed
10 racetrack enclosure or (b) the enactment of laws providing for the
11 licensing and regulation of bingo games conducted by nonprofit
12 associations which have been in existence for a period of five
13 years immediately preceding the application for license, except
14 that bingo games cannot be conducted by agents or lessees of such
15 associations on a percentage basis.

16 (5)(a) For purposes of this subsection, casino gaming
17 includes games of chance played for money, credit, or any
18 representative of value using cards; dice; equipment;
19 player-activated electronic, video, or mechanical gaming devices;
20 and other methods authorized by the Legislature.

21 (b) Nothing in the Constitution of Nebraska shall be
22 construed to prohibit or restrict casino gaming as authorized by
23 the Legislature at up to two casino locations. Subsequent to the
24 initial legislative authorization of any casino location, the
25 voters of the county in which such casino location is authorized
26 shall either approve or disapprove casino gaming in such county.
27 The Legislature may provide for the authorization, operation,
1 regulation, and taxation of casino gaming."

2 Sec. 2. The proposed amendment shall be submitted to the
3 electors in the manner prescribed by the Constitution of Nebraska,
4 Article XVI, section 1, with the following ballot language:
5 "A constitutional amendment to define casino gaming and
6 to permit the Legislature to authorize up to two casino
7 locations subject to approval by voters in the affected
8 counties and provide for the authorization, operation,
9 regulation, and taxation of casino gaming.
10 For
11 Against".

Senator Smith filed the following amendment to LR 11CA:
AM3502

(Amendments to Final Reading copy)

- 1 1. In the Janssen amendment, AM3031:
- 2 a. On page 1, strike line 7 and insert:
- 3 "To amend Article III, sections 2 and 24:
- 4 III-2 "The first power reserved by the people is the
- 5 initiative whereby laws may be enacted and constitutional
- 6 amendments adopted by the people independently of the Legislature

7 except as otherwise provided in Article III, section 24, of this
 8 Constitution. This power may be invoked by petition wherein the
 9 proposed measure shall be set forth at length. If the petition be
 10 for the enactment of a law, it shall be signed by seven percent of
 11 the registered voters of the state, and if the petition be for the
 12 amendment of the Constitution, the petition therefor shall be
 13 signed by ten percent of such registered voters. In all cases the
 14 registered voters signing such petition shall be so distributed as
 15 to include five percent of the registered voters of each of
 16 two-fifths of the counties of the state, and when thus signed, the
 17 petition shall be filed with the Secretary of State who shall
 18 submit the measure thus proposed to the electors of the state at
 19 the first general election held not less than four months after
 20 such petition shall have been filed. The same measure, either in
 21 form or in essential substance, shall not be submitted to the
 22 people by initiative petition, either affirmatively or negatively,
 23 more often than once in three years. If conflicting measures
 1 submitted to the people at the same election be approved, the one
 2 receiving the highest number of affirmative votes shall thereby
 3 become law as to all conflicting provisions. The constitutional
 4 limitations as to the scope and subject matter of statutes enacted
 5 by the Legislature shall apply to those enacted by the initiative.
 6 Initiative measures shall contain only one subject.""; and
 7 b. On page 3, line 6, after "amendment" insert "to
 8 provide restrictions on initiative measures," and before "and"
 9 insert a comma.

SELECT FILE

LEGISLATIVE BILL 1162. E & R amendment, AM7216, found on page 1280, was adopted.

Senator Tyson withdrew his pending amendment, AM3526, found on page 1446.

Senator Brashear withdrew his pending amendment, AM3568, found on page 1475.

Senator Brashear offered the following amendment:
 AM3584

(Amendments to E & R amendments, AM7216)

- 1 1. Insert the following new section:
- 2 "Sec. 5. (1) The Racial Profiling Advisory Committee is
- 3 created.
- 4 (2) The committee shall consist of the executive director
- 5 of the Nebraska Commission on Law Enforcement and Criminal Justice,
- 6 who also shall be the chairperson of the committee, and the
- 7 following persons:
- 8 (a) A representative appointed by the Fraternal Order of

- 9 Police;
 10 (b) A representative appointed by the Nebraska County
 11 Sheriffs Association;
 12 (c) A representative appointed by the Police Officers
 13 Association of Nebraska;
 14 (d) A representative appointed by the American Civil
 15 Liberties Union of Nebraska;
 16 (e) A representative appointed by the Nebraska State
 17 Patrol;
 18 (f) A representative appointed by the AFL-CIO; and
 19 (g) A representative appointed by the Police Chiefs
 20 Association of Nebraska.
 21 (3) The committee shall meet and organize within thirty
 22 days after the appointment of the members. The committee shall
 23 meet quarterly at a time and place to be fixed by the committee.
 1 Special meetings may be called by the chairperson or at the request
 2 of two or more members of the committee.
 3 (4) The committee shall advise the executive director of
 4 the commission in the conduct of his or her duties pursuant to
 5 subsection (6) of section 20-504."
 6 2. On page 1, line 5, after "20-505" insert "and section
 7 5 of this act".
 8 3. Renumber the remaining sections accordingly.

The Brashear amendment was adopted with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1045. E & R amendment, AM7219, found on page 1283, was adopted.

Senator Janssen offered the following motion:
 Bracket until April 13, 2004.

Senator Janssen withdrew his motion to bracket.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 943. E & R amendment, AM7220, found on page 1283, was adopted.

Senator Thompson withdrew her pending amendment, AM3547, found on page 1472.

Senator Chambers renewed his pending amendment, AM3563, found on page 1472.

The Chambers amendment was adopted with 28 ayes, 0 nays, 20 present and

not voting, and 1 excused and not voting.

Senator Foley offered the following amendment:

AM3493

(Amendments to E & R amendments, AM7220)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Sections 4 to 9 of this act shall be known and
- 3 may be cited as the Assault of an Unborn Child Act.
- 4 Sec. 5. For purposes of the Assault of an Unborn Child
- 5 Act:
- 6 (1) Serious bodily injury means bodily injury which
- 7 involves a substantial risk of death, or which involves a
- 8 substantial risk of serious permanent disfigurement, or protracted
- 9 loss or impairment of the function of any part or organ of the
- 10 body; and
- 11 (2) Unborn child means an individual member of the
- 12 species Homo sapiens at any stage of development in utero.
- 13 Sec. 6. (1) A person commits the offense of assault of
- 14 an unborn child in the first degree if he or she intentionally or
- 15 knowingly causes serious bodily injury to an unborn child.
- 16 (2) Assault of an unborn child in the first degree is a
- 17 Class IIIA felony.
- 18 Sec. 7. (1) A person commits the offense of assault of
- 19 an unborn child in the second degree if he or she recklessly causes
- 20 serious bodily injury to an unborn child with a dangerous
- 21 instrument.
- 22 (2) Assault of an unborn child in the second degree is a
- 23 Class IV felony.
- 1 Sec. 8. Any person who, while operating a motor vehicle
- 2 in violation of section 60-6,196 or 60-6,197, proximately causes
- 3 serious bodily injury to an unborn child is guilty of a Class I
- 4 misdemeanor and the court shall, as part of the judgment of
- 5 conviction, order the person not to drive any motor vehicle for any
- 6 purpose for a period of at least sixty days and not more than
- 7 fifteen years from the date ordered by the court and shall order
- 8 that the operator's license of such person be revoked for the same
- 9 period.
- 10 Sec. 9. The Assault of an Unborn Child Act does not
- 11 apply to an act or conduct causing or contributing to the serious
- 12 bodily injury of an unborn child when the act or conduct is:
- 13 (1) Committed or engaged in by the mother of the unborn
- 14 child;
- 15 (2) Any medical procedure performed with the consent of
- 16 the mother; or
- 17 (3) Dispensing a drug or device in accordance with law or
- 18 administering a drug or device prescribed in accordance with law."
- 19 2. On page 1, line 5, strike "and 3" and insert "to 9".
- 20 3. Renumber the remaining sections accordingly.

Senator Thompson requested a ruling of the Chair on whether the Foley amendment is germane to the bill.

The Chair ruled the Foley amendment is not germane to the bill.

Senator Foley challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Foley moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Foley requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 18:

Baker	Foley	Maxwell	Redfield	Synowiecki
Burling	Friend	Mines	Schrock	Tyson
Engel	Jones	Pedersen, Dw.	Smith	
Erdman	Kremer	Quandahl	Stuthman	

Voting in the negative, 12:

Aguilar	Chambers	Mossey	Raikes
Beutler	Johnson	Pederson, D.	Schimek
Bourne	Landis	Price	Thompson

Present and not voting, 18:

Brashear	Combs	Hartnett	Kruse	Vrtiska
Bromm	Conneally	Hudkins	Louden	Wehrbein
Brown	Cudaback	Janssen	McDonald	
Byars	Cunningham	Jensen	Stuhr	

Excused and not voting, 1:

Preister

The Foley motion to overrule the Chair failed with 18 ayes, 12 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:
AM3593

(Amendments to E & R amendments, AM7220)

- 1 1. On page 1, line 24, strike "or attempt to solicit,
2 coax, entice, or lure".
- 3 2. On page 2, in line 5, strike "sections 28-317 to
4 28-321" and insert "section 28-319 or 28-320.01 or subsection (1)

5 or (2) of section 28-320"; in line 7, strike "III" and insert
 6 "IIIA"; in lines 9 and 10 strike "or 28-317 to 28-321" and insert
 7 "28-319, or 28-320.01 or subsection (1) or (2) of section 28-320";
 8 and in line 10 strike "II" and insert "III".

Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment:
 AM3597

(Amendments to E & R amendments, AM7220)

1 1. On page 1, line 24, strike "or attempt to solicit,
 2 coax, entice, or lure".
 3 2. On page 2, in line 5, strike "sections 28-317 to
 4 28-321" and insert "section 28-319 or 28-320.01 or subsection (1)
 5 or (2) of section 28-320. A person shall not be charged with both
 6 a violation of subsection (1) of this section and a violation of
 7 section 28-319 or 28-320.01 or subsection (1) or (2) of section
 8 28-320"; in line 7, strike "III" and insert "IIIA"; in lines 9 and
 9 10 strike "or 28-317 to 28-321" and insert "28-319, or 28-320.01 or
 10 subsection (1) or (2) of section 28-320"; and in line 10 strike
 11 "II" and insert "III".

The Beutler amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1231. E & R amendment, AM7221, found on page 1288, was adopted.

Senator Hartnett withdrew the Hartnett-Louden pending amendment, AM3490, found on page 1411.

Senator Hartnett renewed his pending amendment, AM3504, found on page 1413.

The Hartnett amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1231A. Considered.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

Health and Human Services

The Health and Human Services Committee desires to report favorably upon

the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Health and Human Services System
Nancy Montanez, Director

VOTE: Aye: Senators Jensen, Byars, Maxwell, Erdman, Johnson, and Stuthman. Nay: None. Absent: Senator Cunningham.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1082. Placed on General File as amended.
Standing Committee amendment to LB 1082:
AM3564

- 1 1. Strike original section 2 and insert the following
- 2 new sections:
- 3 "Sec. 2. (1) Any male applicant who applies for an
- 4 original or renewal operator's license or state identification card
- 5 and who is at least eighteen years of age but less than twenty-six
- 6 years of age shall have the option to be registered in compliance
- 7 with the requirements of Section 3 of the Military Selective
- 8 Service Act, 50 U.S.C. App. section 453.
- 9 (2) The Department of Motor Vehicles shall forward in an
- 10 electronic format the name, post office address, date of birth,
- 11 sex, and social security number of such applicant to the United
- 12 States Selective Service System. The application for an original
- 13 or renewal operator's license or state identification card shall
- 14 include the following optional statement: By submitting this
- 15 application, I am consenting to registration with the United States
- 16 Selective Service System, if so required by federal law. The
- 17 applicant's signature on that part of the application shall
- 18 authorize the department to forward to the United States Selective
- 19 Service System the necessary information for such registration.
- 20 Sec. 4. Section 60-483, Revised Statutes Supplement,
- 21 2003, is amended to read:
- 22 60-483. (1) The director shall assign a distinguishing
- 23 number to each operator's license issued and shall keep a record of
- 24 the same which shall be open to public inspection by any person
- 1 requesting inspection of such record who qualifies under section
- 2 60-2906 or 60-2907. Any person requesting such driver record
- 3 information shall furnish to the Department of Motor Vehicles (a)
- 4 verification of identity and purpose that the requester is entitled
- 5 under section 60-2906 or 60-2907 to disclosure of the personal
- 6 information in the record, (b) the name of the person whose record
- 7 is being requested, and (c) when the name alone is insufficient to
- 8 identify the correct record, the department may request additional
- 9 identifying information. The department shall, upon request of any

10 requester, furnish a certified abstract of the operating record of
11 any person, in either hard copy or electronically, and shall charge
12 the requester a fee of three dollars per abstract.

13 (2) The department shall remit any revenue generated
14 under this section to the State Treasurer, and the State Treasurer
15 shall credit eight and one-third percent to the Department of Motor
16 Vehicles Cash Fund, fifty-eight and one-third percent to the
17 General Fund, and thirty-three and one-third percent to the Records
18 Management Cash Fund.

19 (3) The director shall, upon receiving a request and an
20 agreement from the United States Selective Service System to comply
21 with requirements of this section, furnish driver record
22 information to the United States Selective Service System to
23 include the name, post office address, date of birth, sex, and
24 social security number of licensees. The United States Selective
25 Service System shall pay all costs incurred by the department in
26 providing the information but shall not be required to pay any
27 other fee required by law for information. No driver record
1 information shall be furnished to the United States Selective
2 Service System regarding any female, nor regarding any male other
3 than those between the ages of seventeen years and twenty-six years
4 and as provided in section 2 of this act. The information shall
5 only be used in the fulfillment of the required duties of the
6 United States Selective Service System and shall not be furnished
7 to any other person.

8 (4) The director shall keep a record of all applications
9 for operators' licenses that are disapproved with a brief statement
10 of the reason for disapproval of the application.

11 (5) The director may establish a monitoring service which
12 provides information on operating records that have changed due to
13 any adjudicated traffic citation or administrative action. The
14 director shall charge a fee of six cents per operating record
15 searched pursuant to this section and the fee provided in
16 subsection (1) of this section for each abstract returned as a
17 result of the search."

18 2. On page 6, line 11, after the second comma insert
19 "60-483,".

20 3. Renumber the remaining sections accordingly.

(Signed) DiAnna R. Schimek, Chairperson

SELECT FILE

LEGISLATIVE BILL 613. Senator Mossey renewed the Mossey-Bourne pending amendment, AM3325, found on page 1436.

Senator Foley requested a ruling of the Chair on whether the Mossey-Bourne amendment is germane to the bill.

The Chair ruled the Mossey-Bourne amendment is not germane to the bill.

Senator Mossey challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Mossey moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Mossey requested a roll call vote on his motion to overrule the Chair.

Senator Smith requested the roll call vote be taken in reverse order.

Voting in the affirmative, 20:

Aguilar	Byars	Janssen	Pederson, D.	Stuhr
Bourne	Chambers	Kruse	Raikes	Stuthman
Brashear	Engel	Mines	Redfield	Synowiecki
Burling	Hudkins	Mossey	Schrock	Thompson

Voting in the negative, 3:

Erdman	Foley	Landis
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Present and not voting, 20:

Baker	Combs	Jensen	McDonald	Schimek
Beutler	Cudaback	Johnson	Pedersen, Dw.	Smith
Bromm	Friend	Kremer	Price	Vrtiska
Brown	Hartnett	Maxwell	Quandahl	Wehrbein

Absent and not voting, 2:

Louden	Tyson
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Excused and not voting, 4:

Connealy	Cunningham	Jones	Preister
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The Mossey motion to overrule the Chair failed with 20 ayes, 3 nays, 20 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:
FA1674

1. On page 3, line 27 after "shall" add "in a criminal, civil or administrative proceeding"
2. On page 4, line 13 after "victim" add "or a third party as described in subsection (3) of Section 2 of this act"

The Beutler amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:

FA1675

Strike beginning with "and" on page 2, line 25 through page 3, line 7

The Beutler amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 399. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Combs, 32; McDonald, 41; Smith, 48; Vrtiska, 1.

PURPOSE: The purpose of this interim study is to examine eligibility requirements for veterans' benefits in Nebraska in light of the recent Attorney General Opinion #04012 issued on March 30, 2004. According to the Attorney General's opinion, the practice within the Department of Veterans' Affairs and the County Veterans Service Officers to treat a general discharge (under honorable conditions) the same as an honorable discharge when determining a veteran's eligibility to receive assistance under the Nebraska Veterans' Aid Fund is not appropriate. The Attorney General opined that there is no equivalent to an honorable discharge and therefore, veterans with a general discharge (under honorable conditions) are not eligible for these benefits. The issues to be studied under this interim study include, but are not limited to:

1. How state programs benefiting veterans, including the homestead exemption and the Nebraska Veterans' Aid Fund, will be affected by the Attorney General Opinion;
2. The criteria used for federal veterans' benefits programs;
3. The history of the Nebraska Veterans' Aid Fund and how the criteria for receiving benefits under the fund have changed over the years; and
4. The types of situations in which general discharges are made and whether consideration should be given to changing state law to give benefits to veterans who receive a general discharge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the

purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

April 6, 2004

President, Speaker Bromm
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm and Senators:

Please withdraw Debra G. McDowell's name from confirmation to the Environmental Quality Council, due to her resignation. Please see attached letter.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

web/

Tuesday, April 06, 2004

Dear Governor:

I hereby formally withdraw my name as a candidate for appointment to the EQC.

Sincerely,
(Signed) Debra G. McDowell, P.E.
793 Worms Road
Grand Island, NE 68801

GENERAL FILE

LEGISLATIVE BILL 1017. Title read. Considered.

The Standing Committee amendment, AM2687, printed separately and referred to on page 770, was considered.

Senator Landis withdrew his pending amendment, AM2896, found on page

876.

Senator Landis renewed the Landis et al. pending amendment, AM3292, printed separately and referred to on page 1190, to the Standing Committee amendment.

SENATOR JANSSEN PRESIDING

The Landis et al. amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Senator Bourne renewed his pending amendment, AM3458, found on page 1336, to the Standing Committee amendment.

Senator Bourne withdrew his amendment.

Senator Landis withdrew his pending amendment, AM3503, found on page 1429.

Senator Landis offered the following amendment to the Standing Committee amendment:

AM3586

(Amendments to AM3292)

- 1 1. On page 1, line 19, strike the second occurrence of
2 "real estate" and insert "a structure as defined in section
3 77-2704.55"; and in line 20 strike "to be" and insert "that are or
4 will be".
- 5 2. On page 2, line 5, after the third comma insert "real
6 estate brokerage commissions and fees".
- 7 3. On page 12, line 8, after "contractor" insert
8 "electing to be treated as a consumer of building materials under
9 subdivision (2) or (3) of section 77-2701.10"; and in line 11 after
10 "services" insert "less an allowance for sales tax paid on building
11 materials. The allowance for sales tax paid on building materials
12 shall equal the sales tax rate in effect at the time payment is
13 received at the location of the project times forty percent of the
14 sales price for building materials and construction services".
- 15 4. On page 31, lines 25 and 26, strike the new matter.
- 16 5. On page 34, line 10, strike "parts", show as
17 stricken, and insert "building materials"; and in line 21 strike
18 "from" and insert "for".

SENATOR CUDABACK PRESIDING

The Landis amendment was adopted with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 499. Title read. Considered.

The Standing Committee amendment, AM0877, found on page 985, First Session, 2003, lost with 2 ayes, 31 nays, 10 present and not voting, and 6 excused and not voting.

Senator Hartnett withdrew the Hartnett et al. pending amendment, AM3077, found on page 1119.

Senator Hartnett offered the following motion:

To suspend the rules, Rule 7, Section 3(d) to permit consideration of AM3491 to LB 499.

The Hartnett motion to suspend the rules prevailed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Hartnett renewed his pending amendment, AM3491, found on page 1397.

The Hartnett amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

AMENDMENTS - Print in Journal

Senators Schrock and Preister filed the following amendment to LB 916: AM3590

(Amendments to AM3571)

- 1 1. On page 19, line 26, strike "or".
- 2 2. On page 21, line 9, after "(b)" insert "The natural
3 resources district or districts and the county or counties shall
4 have twenty days to comment to the department regarding any
5 conditions that may exist at the proposed site which the department
6 should consider regarding the content of the application for
7 construction approval or major modification;
8 (c)"; and in line 20 strike "(c)" and insert "(d)".
- 9 3. On page 23, line 6 strike beginning with "For"
10 through "shall" and insert "The operator shall at least annually".

Senator Synowiecki filed the following amendment to LB 485: AM3596

(Amendments to E & R amendments, AM7222)

- 1 1. On page 29, line 25, after "made" insert ", except

2 that (a) when there is a purchase of an existing licensed business
3 and a new license of the same class is issued or (b) upon the
4 issuance of a new license for a location which has not been
5 previously licensed, the license fee and occupation taxes shall be
6 prorated on a quarterly basis as of the date of issuance".

Senator McDonald filed the following amendment to LB 1091:
AM3577

(Amendments to Final Reading copy)

- 1 1. On page 23, line 24; page 24, lines 19 and 20; and
- 2 page 25, lines 1 and 4, strike "three hundred ninety" and insert
- 3 "two hundred sixty".

Senator Loudon filed the following amendment to LR 11CA:
AM3598

(Amendments to Final Reading copy)

- 1 1. In AM 3572:
- 2 a. On page 2, line 23, strike "up to two"; and
- 3 b. On page 3, line 6, strike "up to two".

Senator Smith filed the following amendment to LR 11CA:
AM3602

(Amendments to Final Reading copy)

- 1 1. In the Janssen amendment, AM3572:
- 2 a. On page 2, line 26, after the period insert "After
- 3 such location has been in existence for five years, a majority of
- 4 the registered voters of the county shall approve or disapprove the
- 5 continued presence of such location within the county."; and
- 6 b. On page 3, line 7, after "approval" insert "and
- 7 reapproval".

Senator Combs filed the following amendment to LB 1017:
FA1676

Amend AM3293

On page 2, line 4 strike "forty" and insert "twenty-five"

Senator Bromm filed the following amendment to LB 511:
AM3600

- 1 1. On page 3, line 6, after "insurance" insert "as
- 2 defined in subdivision (1) or (3) of section 13-1608"; and in line
- 3 28 after "insurance" insert "as defined in subdivision (1) or (3)
- 4 of section 13-1608" and strike "which will meet" and insert "that
- 5 meets".
- 6 2. On page 4, line 6, after the period insert "The
- 7 excess insurance must separately limit each plan sponsor's
- 8 liability to the amount specified in this section.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill and resolution were correctly engrossed: LB 983 and LR 209CA.

ER9130

Enrollment and Review Change to LB 983

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 69, line 21, an underscored comma has been inserted after "If".

ER9128

Enrollment and Review Change to LR 209CA

The following changes, required to be reported for publication in the Journal, have been made:

1. In lieu of the Chambers amendment, FA1606, in the Bourne amendment, AM3396, on page 1, line 5, ", except that no portion of such matching funds shall be provided by the state" has been inserted after "entity".

2. In the E & R amendments, AM7183, on page 3, line 21, ", subject to certain conditions" has been inserted after "Fund".

(Signed) Ray Mossey, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Maxwell asked unanimous consent to have his name added as cointroducer to LB 879. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ken Gnadt from Grand Island; students and teachers from Scottsbluff High School; and 23 students, 4 adults, and teacher from Woodland Park, Norfolk.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

ADJOURNMENT

At 6:04 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Wednesday, April 7, 2004.

Patrick J. O'Donnell
Clerk of the Legislature